IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 5928 of 2007(E)

PETITIONER:

V.P.KUNHUMUHAMMED, S/O.V.P.AHAMMEDKUTTY,
VALUPOIL HOUSE, MEENANGADI, SULTANBATHERY TALUK,
WAYANAD DISTRICT.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, EXCISE DEPARTMENT,
WAYANAD.

2. COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
WAYANAD.

4. BENNY JOSEPH, LICENSEE OF PEARL
MOUNT BAR, FL-3, WYD.7/06, MEENANGADI,
WAYANAD.

R1 TO R3 BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.5928 OF 2007

Dated this the 22nd day of February, 2007

JUDGMENT

Heard.

2. The petitioner, who says that he is a devout Muslim and residing close to a Masjid where he prays, complains that the 4th respondent has been permitted to shift a bar for vending foreign liquor within the prohibited distance from the said Masjid. Accordingly, the petitioner seeks intervention of this Court. This issue has to primarily gain the attention of the Commissioner of Excise, second respondent. If the petitioner make appropriate application before the second respondent, the same shall be considered by the second respondent in accordance with law and decision taken, after hearing the petitioner, the 4th respondent and any other persons who deems fit to be heard. The needful shall be done before the end of the Abkari year ending 31.3.2007 provided the petitioner submits such application within a period

of one week from today. Any renewal of bar licence to the 4th respondent will be subject to the result of the decision of the Excise Commissioner, as above.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.